

# UNITED STATES DISTRICT COURT

for the

Western District of Virginia

United States of America )

v. )

Clifton Terry )

Date of Previous Judgment: May 14, 2003 )

(Use Date of Last Amended Judgment if Applicable) )

Case No: 4:02CR70099-004

USM No: 09544-084

Defendant's Attorney

CLERK'S OFFICE U.S. DIST. COURT  
AT LYNCHBURG, VA  
FILED

APR 25 2008

JOHN F. CORCORAN, CLERK  
BY: Fay Coleman  
DEPUTY CLERK

## Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 123 months is reduced to 120 months\*.

### I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 25

Amended Offense Level: 23

Criminal History Category: II

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Previous Guideline Range: 63 to 78 months

Amended Guideline Range: 60\*\* to 63 months

### II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☒ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain):

### III. ADDITIONAL COMMENTS

\*Defendant's term of imprisonment consists of 60 months on Count 17, plus a statutorily mandated consecutive term of 60 months on Count 18.

\*\*The bottom of the guideline range is a statutory minimum

Except as provided above, all provisions of the judgment dated 5/14/2003 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: April 25, 2008

Norman K. Moon

Judge's signature

Effective Date: \_\_\_\_\_  
(if different from order date)

Norman K. Moon, United States District Judge  
Printed name and title